

22.04-1

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C26(Part 1)

LICENSED PREMISES

This policy applies to permit applications for a new liquor licence or the amendment of an existing liquor licence pursuant to Clause 52.27 of the *Victoria Planning Provisions*.

Policy Basis

Many licensed premises in urban areas of the municipality are situated in or in the vicinity of residential areas. Conflict can arise between licensed premises and residents if onsite and off site amenity effects are not appropriately managed.

This policy articulates what matters Council will consider when evaluating the merits of permit applications and what permit conditions will apply.

Objectives

- § Manage the interface between licensed premises and surrounding or adjoining residential areas.
- § Minimise negative onsite and off-site amenity effects of licensed premises on adjoining land uses and neighbourhood amenity and character, principally entertainment noise and unsocial human behaviour.
- § Manage the location, operation and opening hours of licensed premises in order to protect the amenity of nearby residential areas.
- § Protect residential properties from adverse noise, traffic and parking associated with night-time activities of licensed premises.
- § Provide certainty for liquor license holders and residents with regards to how Council will handle liquor license permit applications.
- § Ensure that appropriate and consistent conditions are applied to permits in order to facilitate the effective implementation of this policy.

Policy

Exercising discretion

It is policy to:

- § *Amenity* – Minimise disruption to any surrounding residential area resulting from the operations of the licensed premises.
- § *Noise* – Operate licensed premises in a manner that ensures noise emissions will not detrimentally affect the amenity of persons living in proximity to the site, and noise emissions will not exceed the noise standards specified by the *Environment Protection Authority*.
- § *Hours of operation* – Ensure hours of operation of licensed premises reflect the location of the premises, the nature of its use, and the land use zoning of the site and adjoining land.
- § *Numbers of patrons* – Limit the maximum number of patrons permitted on the licensed premises at any one time to the safe and amenable operating capacity of the premises in accordance with the *Building Code of Australia* and *Liquor Licensing Victoria*.
- § *Safety* – Operate licensed premises in a manner that provides safety for patrons and nearby owners and occupiers of land.
- § *Traffic* – Ensure that the operation of licensed premises will not detrimentally impact on the functioning of local traffic networks and car parking availability.
- § *New noise sensitive uses* – Minimise disturbance to residents by including appropriate design and acoustic measures for new residential development

(or other noise sensitive uses) in the vicinity of an existing premises where liquor is served.

Decision Guidelines

It is policy that the following standard conditions will be applied to all permits unless the applicant can reasonably justify modifications:

- § The level of noise emitted from the premises must not exceed the permissible noise levels for entertainment noise as specified in the following policies:
 - Ø *State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1.*
 - Ø *State environment protection policy (Control of Music Noise from Public Premises) No. N-2.*
- § The amenity of persons living in proximity to the site must not be detrimentally affected by reason of the emission of adverse noise from the premises.
- § The maximum number of patrons permitted on the licensed premises at one time must not exceed a number specified by *Liquor Licensing Victoria*.

It is policy that the following closing hours will be applied unless the applicant can reasonably justify modifications:

- § Wangaratta Central Activities Area:
 - Ø Monday to Saturday – 1.00am the following day.
 - Ø Sunday – 11.00pm.

Following consultation with the local Police Licensing Inspector, Council will consider applications on their merits for the following trading hours:

- Ø Friday and Saturday – 3.00 am the following day.

Subject to a successful trial period, and following consultation with the local Police Licensing Inspector, Council will consider applications on their merits for the following trading hours:

- Ø Friday and Saturday – 5.00am the following day.

§ All other areas:

- Ø Monday to Sunday – 11.00pm.

Following consultation with the local Police Licensing Inspector, Council will consider applications on their merits for the following trading hours:

- Ø Monday to Thursday – 12 midnight.
- Ø Friday and Saturday – 1.00am the following day.